

## MEMORANDUM ENDORSED



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HON. SYLVIA O. HINDS-RADIX  
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**LAW DEPARTMENT**  
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July 25, 2023

**VIA ECF**

Hon. Gregory H. Woods  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St.  
New York, NY 10007

Re: *R.M. v. N.Y.C. Dep't of Education*, 23-cv-2376 (GHW)(JW)

Dear Judge Woods:

I am a Special Assistant Corporation Counsel in the office of Corporation Counsel, the Hon. Sylvia O. Hinds-Radix, attorney for Defendant in the above-referenced action, wherein Plaintiff seeks solely attorneys' fees, costs and expenses for legal work on an administrative hearing under the Individuals with Disabilities Education Act ("IDEA"), 20 U.S.C. §1400, *et seq.*, as well as for this action.

I write to respectfully request a 90-day extension of Defendant's time to answer, from July 28, 2023 to October 27, 2023. I also respectfully request that the initial telephone conference scheduled for October 13, 2023 be adjourned *sine die*, with a status letter due November 21, 2023. Plaintiff consents only to a 60-day extension of the answer deadline. This is the first request for an extension of the answer deadline and the first request for an adjournment *sine die* of the initial conference.

Defendant does not understand Plaintiff's refusal of this basic professional courtesy, which is routinely given by the very same Cuddy Law Firm, PLLC ("CLF") in IDEA fees cases. *See, e.g., S.S. v. N.Y.C. Dep't of Educ.*, 23-cv-1134 (VSB)(JW). Furthermore, Courts routinely grant 90-day extensions in fees cases despite opposing counsel's consenting only to shorter time

frames. *See, e.g., N.O. v. N.Y.C. Dep't of Educ.*, 22-cv-10315 (JLR) (ECF Nos. 12–13); *B.N. v. N.Y.C. Dep't of Educ.*, 22-cv-10103 (VSB) (ECF Nos. 9–10); *R.M. v. N.Y.C. Dep't of Educ.*, 22-cv-8643 (JPO) (ECF Nos. 8–12); and *L.R. v. N.Y.C. Dep't of Educ.*, 23-cv-00050 (JHR)(JLC) (ECF Nos. 12–13).

The requested extension will provide the undersigned with time to review the relevant billing records (once Plaintiff provides them) and to request settlement authority from the Comptroller's Office. We are hopeful that the parties will settle this matter without the need for further burden on the Court's time.

Accordingly, Defendant respectfully requests that its time to respond to the complaint be extended to October 27, 2023, and that the initial conference be adjourned *sine die*, with a status letter due November 21, 2023.

Thank you for considering these requests.

Respectfully submitted,

/s/

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Martha Nimmer, Esq.  
Special Assistant Corporation Counsel


cc: Francesca Antorino, Esq. (via ECF)

Defendant's July 25, 2023 request for an extension of time to respond to the complaint and to adjourn the initial conference, Dkt. No. 10, is granted. The deadline for defendant to answer or otherwise respond to the complaint is extended to October 27, 2023. The conference scheduled for October 13, 2023, is adjourned *sine die*. The parties are directed to submit a status letter on or before November 21, 2023. The Clerk of Court is directed to terminate the motion pending at Dkt. No. 10.

SO ORDERED.

Dated: July 26, 2023  
New York, New York

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GREGORY B. WOODS  
United States District Judge